United Nations A/ES-10/PV.18

General Assembly
Emergency Special Session

Official Records

18th meeting
Monday, 5 August 2002, 10 a.m.
New York

President: Mr. Han Seung-soo ..... (Republic of Korea)

In the absence of the President, Mr. Ouch (Cambodia), Vice-President, took the Chair.

The meeting was called to order at 10.10 a.m.

The Acting President: I declare the tenth emergency special session of the General Assembly resumed pursuant to Assembly resolution ES-10/10, of 7 May 2002, whereby the Assembly decided

> "to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meetings upon request from Member States".

In this connection, I should like to draw the attention of the delegations to the following: document A/ES-10/187, which contains a letter dated 1 August 2002 from the Permanent Representative of Oman to the United Nations, in which he requested, on behalf of the States members of the League of Arab States, the resumption of the tenth emergency special session; and document A/ES-10/188, which contains a letter dated 1 August 2002 from the Permanent Representative of South Africa to the United Nations in his capacity as Chairman of the Coordinating Bureau of the Non-Aligned Movement, by which he also requested the resumption of the tenth emergency special session.

Scale of assessments for the apportionment of the expenses of the United Nations (A/ES-10/189)

The Acting President: In keeping with the established practice, I should now like to invite the attention of the General Assembly to document A/ES-10/189, which contains a letter addressed to the President of the General Assembly by the Secretary-General informing the Assembly that 18 Member States are in arrears in the payment of their financial contributions to the United Nations within the terms of Article 19 of the Charter.

May I take it that the General Assembly duly takes note of this information?

It was so decided.

Agenda item 5 (*continued*)

Illegal Israeli actions in occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Report of the Secretary-General (A/ES-10/186)

Draft resolution A/ES-10/L.10

The Acting President: I now give the floor to the Permanent Observer of Palestine.

Mr. Al-Kidwa (Palestine) (*spoke in Arabic*): Allow me to express my gratitude to the President of the General Assembly, and to you, Sir, for presiding over this meeting.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room C-178. Corrections will be issued after the end of the session in a consolidated corrigendum.

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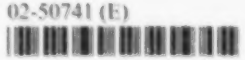

The Secretary-General, in accordance with resolution ES-10/10, adopted on 7 May 2002 by the General Assembly at its tenth emergency special session, has presented a report drawing only upon available sources and information regarding the recent events in Jenin and other Palestinian cities. The report had to be prepared on that basis, without a team being able to investigate the situation on the ground in Jenin and other Palestinian cities, because of Israel's refusal to cooperate with the Secretary-General's fact-finding team, in disregard of Security Council resolution 1405 (2002). The Secretary-General has rightly concluded that, as a result of Israel's position, a full account of the events that took place could not be obtained. Israel did not even respond to a request by the Under-Secretary-General for Political Affairs to submit information for the preparation of this report. That, by the way, leaves us at a loss to understand the extensive quoting of Israeli sources in the report.

The international community must again condemn Israel's rejection of the international community as an attempt to obliterate facts. Indeed, the facts have not been fully revealed. That includes in particular some serious unanswered questions about what happened in the Jenin refugee camp. A real and direct investigation remains necessary in order to uncover the whole truth.

In addition, the report only addresses a specific period of time, mainly from early March 2002 to 7 May. Yet an accurate and thorough understanding definitely requires putting the situation in the context of everything the occupying Power did before and after that period, including the measures and practices mentioned in previous reports of the Secretary-General and of other organs and agencies of the United Nations with regard to Israel's occupation of our land and people.

We have reviewed the Secretary-General's report with interest. Unfortunately, it has arrived later than anticipated and without the expected conclusions. Irrespective of our feelings with regard to the report's shortcomings, there is no doubt that it provides yet further confirmation of what we have always known, namely, that the Israeli occupying forces have committed war crimes, atrocities and other serious violations of the Fourth Geneva Convention. Those violations include extrajudicial killings and the use of human shields; excessive, disproportionate, indiscriminate lethal force; arbitrary arrest; torture; the imposition of collective punishment; and the targeting of ambulances and medical personnel and denial of access to medical treatment.

All of this raises serious issues with regard to the responsibilities of the international community in the light of Israel's commission of war crimes. It is incumbent upon the international community to take measures against the perpetrators of such acts. The High Contracting Parties to the Fourth Geneva Convention must shoulder their responsibilities under articles 29 and 148 of the Convention, and all Members of the United Nations must meet their commitments under the Statute of the International Criminal Court, which has now entered into force.

There is another serious issue that must be taken into account in our review of the Secretary-General's report and of the ongoing situation. That issue is that the situation has worsened since the period covered by the report. In fact it has gravely deteriorated and continues to do so on a daily basis as the Israeli occupying forces continue to wage their military campaign against the Palestinian people in the occupied Palestinian territories, including Jerusalem. The Israeli occupying forces are currently engaged in yet another wave of invasion and reoccupation of most Palestinian cities and population centres in the occupied West Bank. Hundreds of thousands of Palestinians have been subjected to round-the-clock curfews and confined to their homes and denied any semblance of a normal daily life, including access to such basic necessities as food, water and proper medical care.

Closures and severe restrictions on the movement of persons and goods continue to be in effect in other areas of the occupied territories. The extensive loss of human life and physical destruction caused by the occupying forces, the continued confinement of the Palestinian people and other measures of collective punishment by Israel — including increasing instances of home demolitions — have led not only to socio-economic devastation, but also to a dire humanitarian crisis, for which Israel must be held responsible.

Since September 2000, over 1,710 Palestinian men, women and children have been killed in military attacks by the Israeli occupying forces. This tragic figure does not include the hundreds of other Palestinians who have died as a result of other illegal practices being carried out by the occupying Power.

Moreover, thousands of Palestinians have been injured, many seriously, or permanently disabled by the occupying forces. Thousands of homes have been damaged or completely destroyed, leaving thousands of Palestinians homeless. Hundreds of thousands of productive trees have been uprooted from Palestinian agricultural lands. Billions of dollars in Palestinian wages and income have been lost. Currently, nearly 50 per cent of the Palestinian population lives below the poverty line. Malnutrition among Palestinian children is rapidly increasing.

At the same time, the Israeli military siege on the headquarters of President Yasser Arafat and the Palestinian city of Ramallah continues, in violation of all norms and logic. The repeated assaults and the ongoing siege essentially constitute a direct attack on the leader and symbol of the Palestinian people and on the Palestinian Authority. In addition, the siege continues to seriously obstruct the efforts of the Palestinian Authority to exercise its responsibilities in all fields, including the process of reform and its own rebuilding.

All the aforementioned constitutes an escalation of the same Israeli military campaign against the Palestinian people that began with the infamous visit of Mr. Ariel Sharon to the Haram al-Sharif on 28 September 2000. What the Israeli Government has been doing is intended to serve the clear political objectives expressed repeatedly by Mr. Sharon. His aim has always been to drag us back to a pre-Oslo situation and to destroy the Palestinian Authority, while inflicting the maximum pain, suffering and loss on the Palestinian people. Only this way can Mr. Sharon guarantee the obstruction of any chance for a serious peace settlement and the continuation of Israel's occupation and colonization of Palestinian lands.

Yet, the Government of Mr. Sharon has been trying to portray all its policies and practices as simply a response to the suicide bombings. Nothing could be further from the truth. It is useful for us to recall that the Israeli occupation began in 1967, while the first Palestinian suicide bombing occurred in 1994, 27 years later. It is also useful to recall that the Palestinian people waged their first intifada — a rejection of the Israeli occupation — without firing a single bullet, while the Israeli army killed, injured, broke bones, maimed, deported and destroyed in a campaign the Israeli Government referred to as its iron-fist policy. The reality is that this is a situation of foreign occupation. That is the phenomenon that is the source of the conflict, strife and suffering. It is the real problem, which some often seem to lose sight of.

Over the decades, driven by ideological and political goals, the illegal Israeli occupation has transformed the vicious and active colonization of the Palestinian land. The pursuit of that colonization by Israel has necessarily required the use of oppressive policies and measures and even the negation of the basic rights of the Palestinian people under its occupation. That has continued over the years, even after the advent of the peace process, specifically under people such as Mr. Netanyahu and, worse still, Mr. Sharon.

This is the situation in which the Palestinian people have lived for 35 years now. Throughout that time, the international community has never been able to effectively stop Israel's violations, which range from illegal settlements and the colonization campaign to measures aimed at altering the demographic composition and legal status of occupied East Jerusalem, to its practice of extrajudicial executions.

I reiterate that the situation is clearly one of foreign occupation, in which the occupying Power has actively sought to colonize the land to serve its expansionist designs. Any attempts to even partially conceal that fact and to find a pretext to absolve the Israeli side of its responsibilities in this regard will never succeed. Unfortunately, such attempts might — as has been the case — lead to greater suffering for an even longer time for both peoples.

In spite of all the aforementioned, the Palestinian Authority and the Palestinian leadership have taken a very clear position against suicide bombings: they are wrong and are acts undermining the national interest of the Palestinian people. Nevertheless, we wonder whether those on the other side who are opposed to peace are keen to take actions that can only fuel such a phenomenon. We have recently witnessed a tragic example of that: the war crime committed by the occupying forces upon instructions from Mr. Sharon in the extrajudicial execution carried out in Gaza on 23 July, which resulted in the killing of nine children and six other Palestinians. That war crime has only served to further feed the vicious cycle of violence.

Let me reiterate that acts of resistance by Palestinians in the occupied territories against the Israeli occupation are legitimate under international

law and cannot be compared with acts targeting Israeli civilians in Israel itself. As a matter of principle, resisting Israeli occupation, colonization, settlements and, indeed, the Israeli invasion of our cities and refugees camps is our right, if not our duty.

Nevertheless, we remain committed to a peaceful, negotiated settlement. We once again call upon the Israeli side to cease aggression and atrocities against the Palestinian people and to choose instead the path of peace. Clearly, ending the prevailing tragedy could most rapidly be achieved by ending the Israeli occupation.

I wish to add that we believe that morality requires that no one attempt to speak of both sides as though they are on equal footing. There is a basic, marked difference. On the one side, there is an occupying Power with a highly sophisticated and powerfully armed occupying army committing war crimes and State terrorism upon the instructions of the political leadership. On the other side, there is an occupied people, helpless and devastated, with groups committing terror attacks in contradiction of the official policies of the political leadership. Any attempt to ignore that difference is completely unacceptable. We should all constantly strive to spare all civilians all harm.

That leads me to the sensitive issue of the responsibility of the United States vis-à-vis this situation not only as the superpower of the world but also as the country providing the occupying Power with substantial financial assistance and armaments, much of which is being used against our people. There is also the continuous shielding of Israel from international law and from the will of the international community. That, for example, has occurred here at the United Nations in the form of 26 vetoes of draft Security Council resolutions on the Palestinian situation. Given its own values, and in the interest of fairness and credibility as a mediator for peace, it is important for the United States to revisit some of its positions in this respect. Indeed, it is vital if peace is ever to become a reality in the Middle East.

In this forum, we wish to reiterate our appreciation for the international consensus that has emerged on the two-State solution and on the need for the establishment of the independent State of Palestine. What we need now is a detailed road map and time line guiding us to that goal and helping the people to believe that we can actually get there from here.

With respect to the current debate on this issue, I should like to reaffirm a few basic positions.

First, the internal Palestinian situation will always remain the domain of the Palestinian people themselves. That is the true meaning and purpose of free and democratic elections. Moreover, any initiative or plan that would exempt the Israeli side, including in particular Mr. Sharon, from taking specific actions or from adopting different policies from those that are currently being pursued would serve only to provide further cover for even more destructive Israeli actions.

We once again reiterate our belief that there is a need for a comprehensive approach to the situation. This means not only dealing with political, economic and security issues simultaneously, but also, as mentioned earlier, agreement on a final outcome from the start. In this respect, we firmly believe that the Security Council can and should play an important role.

Clearly, there is a need for an international presence, such as that of observers, for instance, or even for a more bold and appropriate proposal, such as that made by the Secretary-General, for a credible and robust multinational force. This could make a genuine contribution to efforts to stabilize the situation and work towards a peaceful and final settlement.

We call on the entire international community to support the efforts to end the current tragedy and to return to the path of peace. We will continue to cooperate with the "quartet" and with the Arab Group. We hope to see the Security Council and the General Assembly play a more active role.

We in the Palestinian Mission and in the Arab Group are conducting serious negotiations with other groups in the General Assembly in order to achieve the widest and broadest agreement possible on the draft resolution to be put to the vote today. We hope that the General Assembly will take the right stance and send the right message.

Mr. Zhang Yishan (China) (*spoke in Chinese*): In recent days, despite the fact that the international community has made every effort to ease the tension in the Middle East, the conflict continues to escalate. The Israeli authorities fired missiles against a Palestinian residential area, and a number of suicide bombings

have taken place in rapid succession, resulting in great loss of life.

Given this situation, the convening of this special session is absolutely necessary, because these events demonstrate that violence on the part of both sides cannot bring peace and cannot result in the building by Palestinians of their own State.

The Chinese delegation expresses its deep regrets with respect to the report of the Secretary-General on the period from March to May concerning Israeli military operations in Palestinian cities, including Jenin. It has to be pointed out that because of obstruction by the Israeli authorities, the mission dispatched by the Secretary-General was not able to go. Therefore the United Nations lost the opportunity to ascertain in a timely manner the real number of casualties involved. Paragraph 82 of the report points out in paragraph 82 that

> "a full and comprehensive report on recent events in Jenin, as well as in other Palestinian cities, could not be made without the full cooperation of both parties and a visit to the area".

We deem this regrettable.

The Chinese delegation believes that the key to the question of Palestine lies in the fact that the Israelis are continuing their longstanding illegal occupation of Palestinian territories. The military operations and the attacks against the Palestinian people have resulted in a large number of casualties and in considerable material damage. These facts are very clear, both in Jenin and in other Palestinian cities.

We condemn the killing of innocent people by the Israeli side. In order definitively to resolve the conflict, to put an end to the vicious circle of violence and to achieve peace in the Middle East, the Israeli side must abide by the relevant resolutions of the General Assembly and the Security Council and withdraw from the territories it is occupying.

Furthermore, we condemn the suicide bombings being carried out by certain Palestinian organizations and extremists, because they go against the just cause of the Palestinian people and can only complicate matters further.

The recent escalation of violence demonstrates clearly that the international community, including the United Nations, must strengthen its efforts to elaborate workable measures on the basis of resolutions 242 (1967) and 338 (1973) that will promote a comprehensive and just solution of the question of the Middle East, so that both countries cam, on the basis of Security Council resolution 1397 (2002), coexist peacefully within secure and recognized borders.

Mr. Negroponte (United States of America): We should not be here today, nor should we be having a discussion focused solely on Palestinians, when yet again there have been more terrorist attacks in Israel. The events of the last week show that the focus of this emergency session on the occupied territories is out of step with the reality of events on the ground.

There will not be peace in the Middle East while one side persists in its attacks on the civilians of the other side. On Sunday, nine Israelis were killed when a bomb destroyed a passenger bus in northern Israel. Forty others were seriously wounded. The Hamas Izz Al-Din Al-Qassam brigades conducted this attack in response "to the United Nations report" on Jenin, according to the communiqué the organization published after the bombing.

Here in the United States we mourn especially for the five American citizens who were murdered in the 31 July terrorist bombing at the Hebrew University in Jerusalem, among them a citizen of this city, Janis Ruth Coulter. By killing seven people and wounding over 80 others, this attack transformed a friendly, multinational cafeteria into a scene of devastation and turmoil. The target was carefully chosen. This was a crime committed not only against Israel or the Jewish people, but also against all those Israelis, Palestinians and foreigners who want to live together in peace. There can be no way to describe this attack as anything other than a terrorist attack that the Assembly should condemn.

We should begin this session today by explicitly condemning terrorist organizations like Hamas that are clearly out to sabotage any effort to achieve Arab-Israeli peace, and by calling once again on the countries of the world to fulfil their obligation to root out all terrorist networks wherever they are, including in the Middle East.

For too long the General Assembly and the Security Council have been silent when Israelis have been victims of terrorism. Member States must reject the rationale given by Hamas, Palestinian Islamic Jihad and other groups that their terrorist bombings are

somehow justified by the state of affairs in the Middle East. As the Secretary-General himself said last fall and again on Sunday:

> "There is a need for moral clarity. There can be no acceptance of those who would seek to justify the deliberate taking of innocent civilian life, regardless of cause or grievance."

The Secretary-General's report speaks for itself. In it the Secretary-General provided the context to the events in Jenin and elsewhere, including the fact that some 200 armed men from the Al-Aqsa Martyrs' Brigade, the Tanzim, Palestinian Islamic Jihad and Hamas operated from the Jenin camp. The report puts to rest the central falsehood of a massacre, which was propagated by some Palestinian officials last spring. In our view, the most important part of the Secretary-General's report is the call for a constructive look to the future to prevent further bloodshed, address real humanitarian needs and move towards a negotiated political settlement. That is the essential task at hand.

In contrast, the Palestinian draft resolution purporting to reflect the Secretary-General's report makes no effort to provide a fair presentation of the context of the current violence in the Middle East. In fact, it appears to be an attempt to write an alternative report. Neither this emergency special session nor another draft resolution that evades the central challenge that terrorism poses to peacemaking in the Middle East will move the peace process forward or ameliorate the acknowledged dire humanitarian situation in the West Bank and Gaza. But direct diplomatic engagement and an effective response by the international community — as the Secretary-General's report calls for and which many others and we are striving to provide — hold out the real promise of doing both.

The United States is working hard to assist Palestinians and Israelis in a practical manner. So are the other members of the "quartet". So are Arab leaders. That effort should be the international community's focus. It is our focus. We are moving forward with President Bush's agenda to help realize his two-States vision, including security and civil reform, and efforts to lay the basis for the resumption of political negotiations. We are working closely with the "quartet" and our Arab friends on all these tracks. Our goal is to find practical ways to end the violence and restore political hope.

Later this week we look forward to meeting with our Palestinian colleagues in Washington to discuss the situation on the ground, including the dire humanitarian conditions, security, the Palestinians' own ongoing reform efforts and how to get back to the negotiating table. We will also be discussing Israel's responsibilities to help ease these conditions and to move the process forward. We discussed those responsibilities with Israeli Foreign Minister Peres late last week.

The Secretary-General's report addressed humanitarian issues at length. I want to inform the Assembly of concrete efforts that my Government is undertaking to ameliorate the conditions in the West Bank and Gaza. In the past four months, we have increased our assistance for emergency and humanitarian relief by 70 per cent, and we stand ready to do more. We are providing medical equipment and pharmaceuticals. We are creating job opportunities. We are training mental health-care professionals to deal with the debilitating psychological impact of the violence. We are providing food to the most vulnerable non-refugees in the West Bank and Gaza — over 250,000 people. We recently gave $10 million for the development of grass-roots Palestinian non-governmental organizations on a broad spectrum of humanitarian relief activities. We will provide $15 million to support women's and children's health and nutrition. We will provide $5 million to provide emergency sources of potable water and for repair of water infrastructure.

The United States also remains the largest single contributor to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). We provided $118 million in this fiscal year, including $10 million to respond to UNRWA emergency appeals. In addition, the United States contributed $2.3 million to the World Food Programme emergency appeal.

We are emphasizing to the Government of Israel its responsibilities and the need to take very concrete steps, in particular by increasing freedom of movement of the Palestinian population to assist not only humanitarian relief, but also the restoration of economic activity within the West Bank and Gaza.

We encourage the direct Israeli-Palestinian ministerial dialogue now under way, and we hope that

the parties will make progress that can materially improve the daily lives of the Palestinians.

The draft resolution offered to us today does not offer a way forward or provide solutions. It focuses unjustly on one side and distorts the historical record in the process. We will vote against this draft resolution, as we voted against its predecessor in May, because we are focused on working directly with the parties to bring results and because we believe that the condemnatory rhetoric against Israel contained in this draft resolution will not contribute to the efforts of the international community to urge both parties to take the decisions they need to in order to put an end to violence and to return to negotiations. For those who believe that draft resolutions like this one help the Palestinian people, I suggest that such rhetoric does the very opposite. It undermines the credibility of their cause and deepens the divide between the Palestinians and a neighbour with whom one day they will have to live in peace.

The Acting President: I call on the representative of Israel.

Mr. Jacob (Israel): General Assembly resolution ES-10/10, pursuant to which the Secretary-General prepared his report, was adopted in the wake of shocking allegations of a massacre of innocent civilians in the Jenin refugee camp. It was adopted on the same day on which 15 Israeli civilians were killed by a suicide attack in Rishon Letzion. It was adopted in the face of objections by many States who argued that the resolution was inappropriate and unacceptable since it was blatantly one-sided, failed to condemn Palestinian terrorism and sought to predetermine the facts on which the Secretary-General's report was to be based.

Today's debate is occurring barely 24 hours after a spate of five separate Palestinian terrorist attacks that have claimed at least 13 innocent Israeli lives and wounded scores of others. Those attacks include a Hamas suicide bombing in the peaceful city of Safed, where the bomber ripped apart a commuter bus, killing 9 people and injuring 45, many of whom are suffering from severe burns caused by the blast; the killing of 2 people and the injuring of at least 17 others in Jerusalem by a Palestinian gunman; and the murder of a husband and his pregnant wife in a roadside ambush, which has left their 3-year-old son and 8-month-old baby orphans. A terrorist group from Chairman Arafat's own Fatah movement has claimed responsibility for these shooting attacks.

Yet here, in this Assembly, a familiar pattern is repeating itself. The draft resolution before us ignores the bloody Palestinian terrorist campaign and the suicide bombings, which have been classified as a crime against humanity.

As at the most recent meeting of this perpetual emergency special session, Palestinian representatives and their supporters continue to be wilfully blind to the heartless acts of Palestinian terrorism and their toll in innocent lives.

At the most recent meeting of the emergency special session, Palestinian representatives were focused on convincing the international community and the media that a massacre had occurred. The Palestinian Authority leaders spoke of 500 victims; other Palestinian spokesmen put the number in the thousands. Certain international spokesmen even gave credibility to these reports. Here at the United Nations, the Palestinian Observer made repeated malicious allegations, describing Israel's actions as a "wide-ranging massacre perpetrated against the camp's inhabitants".

The report prepared by the Secretary-General is categorically clear: there was no massacre in Jenin. The shocking and libelous accusations that led to the convening of the previous meeting of the emergency special session and the virtually endless Security Council meetings were atrocity propaganda, pure and simple. Had the international community not been so misled, it is doubtful that representatives of responsible Member States would have tolerated this time-consuming use of the principal organs of the United Nations. The report confirms what Israel stated throughout: there was a harsh battle between terrorists seeking to continue a bloody wave of terrorist attacks and Israeli forces trying to prevent them from succeeding.

As the report emphasizes, the venue of this frightful battle was not of Israel's choosing. It was the Palestinian terrorists who chose to set up shop in the heart of civilian homes. This cynical and callous decision placed Israel in a painful dilemma: how to protect the lives of innocent Palestinians without giving free rein to terrorists to continue to plan and perpetrate their attacks unimpeded. In the event, Israel made the decision to deploy ground troops fighting

house to house rather than to use aerial bombardment — a decision that cost the lives of 23 soldiers — precisely because Israel was more concerned about the lives of the Palestinian civilians than were the terrorists who chose to hide behind them.

While we have reservations and objections with respect to elements of the report, Israel takes note of the comments made regarding the conduct of the Israeli Defence Forces (IDF) during its operation, in particular with regard to delays in humanitarian access as a result of the fighting and the extensive booby-trapping of civilian homes by Palestinian gunmen. We are committed to improving and facilitating the work of humanitarian agencies for the benefit of the Palestinian civilian population. But no amount of theatrical Palestinian rhetoric can obscure the fact that Palestinian civilians were put in danger, and remain in danger today, precisely because that is where Palestinian terrorists want them to be.

The continuing policy adopted by Palestinian terrorists of using civilians as their shields and of obliterating the crucial distinction between combatant and civilian is not only a war crime and a very serious violation of international humanitarian law, as the Secretary-General's report rightly affirms; it goes to the heart of the problem. The Palestinian Authority that has failed to fight terror, and the terrorist groups it supports, must be held fully accountable not only for endangering and harming the lives of Israeli innocents but for so brutally sacrificing the lives of innocent Palestinians who are used as pawns in the Palestinian leadership's terrorist campaign.

While there were casualties on both sides, there is no moral equivalence whatsoever between Israel's defence forces, for whom every civilian casualty in its war against terrorism is a tragedy, and the terrorists, for whom every civilian casualty is cause for jubilation.

The Secretary-General's report does not spare the Palestinian leadership criticism, as that leadership permitted, and even encouraged, the terrorists to perpetrate their atrocities. The report finds that in failing to prevent terrorism, the Palestinian Authority was flouting its obligations under international law. Paragraph 13 states:

> "The Palestinian Authority is obligated under international customary law to respect human rights ... refrain from carrying out attacks against civilians, and is required to prevent groups within its territory from engaging in such attacks. Thus, the Palestinian Authority has the responsibility to protect Israeli civilians from attacks, including suicide bombings, emanating from areas under its security control."

Clearly, these and many other findings in the report are not palatable to the Palestinian side — so much so that the Secretary-General's report, which the Palestinian Observer laboured so intensely to commission, barely receives a direct mention in the draft resolution which he has circulated. Indeed, the Palestinian side cannot bring itself to welcome or even endorse the report in the draft resolution and prefers, as usual, to distort and selectively manipulate, so as to create an alternative reality for the approval of the General Assembly.

The recognition in the Secretary-General's report of the responsibility of the Palestinian leadership is crucial, not just in understanding the tragic events in Jenin and other Palestinian cities, but also as we look ahead to the future. In clear violation of its signed commitments, international law and Security Council resolutions 1373 (2001), 1397 (2002), 1402 (2002) and 1403 (2002), the Palestinian Authority, and its 40,000-strong police force, has still taken no practical measures to stop the acts of terror — even those perpetrated by terrorist groups directly under its control.

The Palestinian leadership has made allies and partners out of terrorist organizations such as Hamas, Islamic Jihad and Yasser Arafat's own Fatah Al-Aqsa Martyrs Brigade. Not only has it failed to arrest known terrorists such as Salah Shehadeh, responsible for the mass murder of hundreds of civilians, but it has given them safe harbour and freedom of movement and has glorified their acts.

Indeed, we still have not heard from any senior Palestinian leader the simple and unqualified statement that the deliberate murder of innocent civilians is wrong and unjustifiable. Occasional grudging statements emphasize that such tactics "harm the interests of the Palestinian people", which suggests that the objection to acts of terrorism against Israelis is tactical and not moral. The Palestinian Observer has offered occasional condemnations of suicide terrorism in his speeches, but he has refused to acquiesce to an express condemnation of Palestinian terrorism and suicide bombings in any resolution, even when openly

challenged to live up to his words. The current Palestinian leadership has given the entire world all the evidence it needs to conclude that it has no intention of complying with the fundamental Palestinian undertaking to resolve outstanding issues through negotiations and not violence. In the face of this criminal conduct, Israel has been compelled to conduct defensive operations so as to protect its civilians, as it did in Operation Defensive Shield.

Unfortunately and tragically, because Palestinian terrorists cloak themselves in the protective garb of civilians, innocent Palestinians are also suffering from difficult humanitarian conditions. Israel remains committed to assisting the Palestinian civilian population. We have taken measures to improve the plight of ordinary Palestinians, including the release of funds, the issuing of more work permits for Palestinian labourers and the loosening of restrictions on movement.

We have no quarrel with the Palestinian people. They are our partners and neighbours, and we will continue to seek ways to ease the hardships facing them, even as Palestinian terrorists persist in their brutal campaign, denying the civilian population on both sides a normal existence and compelling us to take defensive measures. Indeed, the Government has announced that measures aimed at easing conditions for the Palestinian civilian population will be continued, despite the gruesome terrorist attacks committed yesterday.

Terrorism is not, and cannot be, a negotiating tactic. It is morally wrong and will never work. On that, the report is clear. Palestinian hopes that a policy of inducing violence and terrorism in order to try to cause the Government and the people of Israel to buckle simply will not work. To the contrary, in the face of the cowardly terrorists who hide behind civilians, the past two years of violence have revealed an impressive well of courage: ordinary Israeli men, women and children who refuse to be intimidated by acts of terror, who continue to travel on buses, to go to university and to visit cafes and shopping malls.

As much as we hope for peace, we have to face honestly the magnitude of the obstacles before us. A decade of corruption and of incitement by the Palestinian leadership in schoolbooks, on children's television and in local mosques has created a generation that has difficulty even dreaming of the possibility of peace. For there to be any chance for peace — for these children to grow up with any possibility that they will live in a world less hostile than that of their parents — we need a new environment that will permit the process of healing. That environment needs, first and foremost, a new Palestinian leadership.

As the negotiations at Camp David demonstrated, as difficult as many of the issues to be addressed are, there is only one obstacle that is truly insurmountable: a partner who has no interest in making peace. The basic recognition that not just the Palestinian people but the Jewish people too have a right to self-determination and that the State of Israel and its citizens also deserve a secure and peaceful existence has been too high a price to pay for the current Palestinian leadership, which has preferred the embrace of extremists to the principles of peaceful coexistence. The current leadership, which has signed peace agreements with one hand while signing checks to terrorists with the other, has proved again and again that it is not, and cannot be, a partner for peace.

Together with a new leadership, we need an international community that supports the real interests of the Palestinian people, not the narrow political agenda of the Palestinian leadership. The repeated willingness of international organizations, in particular the General Assembly, to play host to every Palestinian allegation against Israel has not helped to advance the Palestinian people one iota towards their dreams. The tolerance for Palestinian attempts to politicize every possible agenda item throughout the United Nations system and to abuse the "Uniting for Peace" procedure time and again has squandered the Organization's precious time and resources, but it has done nothing to enhance the credibility and reputation of the United Nations or to advance the prospects of peace and security for Israelis and Palestinians.

To the contrary, this willingness to entertain Israel-bashing initiatives and to adopt resolutions completely divorced from reality creates a magnetic attraction away from the negotiating table and undermines face-to-face negotiations. At the same time, the Assembly has repeatedly broadcast to the people of Israel that it is a forum where they cannot expect anything other than partisan and political hostility and outrageously one-sided resolutions, and where their lives count for little.

Where was the Assembly when 29 Israelis were blown up as they were celebrating the Passover festival in March? Are Israeli death and suffering not also a humanitarian crisis? Why was no report requested on the brutal murder of 21 youngsters at the Dolphinarium discotheque last June or on the massacre of students at Hebrew University, a place of learning for Jewish, Arab and foreign students, the day before the Secretary-General's report was published? Is Israeli blood so cheap here that the alleged massacres of Palestinians will be condemned, but the real massacres of Israelis can be ignored?

The Secretary-General concludes his report by stressing, in paragraph 83, "the urgent need for the parties to resume a process that would lead back to the negotiating table". We endorse that conclusion wholeheartedly. There is no military solution to this conflict, and there has been far too much bloodshed. The relentless wave of terror has required us to be preoccupied with self-preservation and with the protection of the most basic human right — the right to life — rather than with a constructive dialogue on a political settlement. The Israeli Government is committed to the vision laid out in Security Council resolution 1397 (2002), to negotiations on the basis of resolutions 242 (1967) and 338 (1973) and to the painful compromises required to guarantee security, dignity and prosperity for both peoples.

To return to that path, moderate Palestinians, neighbouring Arab States and the international community as a whole must broadcast an unequivocal message: terrorism and support for it are intolerable and criminal, and they will not be rewarded by political concessions. International initiatives, including partisan resolutions at the United Nations that fail to condemn Palestinian terrorism for what it is and that seek to grotesquely distort reality so as to single out Israel for criticism, will only empower extremists and the rogue regimes that sponsor them.

We urge Member States devoted to the cause of peace in the Middle East not to reward the Palestinian Authority for its failure to fight terrorism, and to vote against the draft resolution that has been put before the Assembly. The political horizon is there. It has been articulated in the negotiations between the parties, in the landmark speech by President Bush and in Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002). But the only guarantee for freedom from terrorism, corruption and tyranny in the future is an uncompromising commitment to eliminating these evils in the present.

Mr. Dorda (Libyan Arab Jamahiriya) (*spoke in Arabic*): I will speak about two issues today. The first issue is the United Nations, through the report under consideration at this meeting, and the second relates to the all-important question of Palestine.

With regard to the first issue, I would like to say that, if it really signifies anything, the report of the Secretary-General points to the low and weak position to which the United Nations has arrived. It also points to the dependency to which the United Nations has succumbed. The report is like water — without taste or smell — and it signifies nothing. It equates the victim with the criminal, and has been drafted in a manner that in no way expresses the facts as they truly occurred, or what was reported by news agencies and other mass media, either by journalists or television images. Nor does the report express the human conscience; it only expresses the terms of reference of those who authored the report and who have no other goal more important than keeping their positions in this thirty-eight-story building. This is our position vis-à-vis this building and those who occupy it from now on. In that connection, I would like to say the following.

First and foremost, the weakness of the United Nations is actually a reflection of our own weakness as Member States. That weakness is basically the result of weak Members. We are weak. And since we are weak, we have weakened the Secretariat.

Secondly, some of those working in the Department of Political Affairs at the United Nations are no longer internationalists in taking up the tasks their work requires. They no longer represent internationalism. They undertake their responsibilities in accordance with what is dictated to them by their masters and in accordance with their own terms of reference, whether the terms of reference they have brought with them or those which are of use to them and which they utilize. This must also be taken into account in our work henceforth.

We remember very well when the Secretary-General, Kofi Annan, returned from Baghdad a few years ago. He was received as a hero in the corridors of this building by all the staff of the United Nations. That was a very clear sign and a very rhetorical and meaning-laden image of the fact that those in the United Nations saw in that step the beginning of the

United Nations liberation from dependency. But what did we all do as Members of the Organization? We left the Secretary-General on his own before the very strong pressure by the strong and influential. We cannot blame him as much as we blame ourselves. What did we do to preserve the independence of the United Nations?

The United Nations should be an umbrella to protect the weak, and not an instrument for the powerful to beat up weak States. The United Nations is no longer a protective umbrella, because it is weak and incapable even of sheltering its own Secretariat. How can it therefore provide protection for the Member States of the United Nations? We should take this matter into account in our future work. My delegation will engage in consultations with all delegations in order to strengthen the United Nations, for we need a very strong United Nations, not a weak one.

As to the question of Palestine, we have repeatedly said — and we shall continue to reiterate this, for what we are saying is the truth — that there has never in the history of the world — and one can consult any map before 1948 — been a land called Israel. There was no such thing as Israel before 1948. Israel is the name of a prophet, the prophet Jacob; it is not the name of a land or of a country. This land is called Palestine and its population is composed of Palestinians who have lived there for centuries, whether Muslims, Christians or Jews. Mr. Sharon came from Russia; Mr. Begin came from Poland; Mr. Shimon Peres and Mrs. Golda Meir came from Belarus; and Mr. Netanyahu came from New York. The representative of Israel who spoke before us today came from Yemen; and his President is actually from Morocco.

Who brought all those people from all over the world to occupied Palestine? What brought them together? Was it religion alone, and does religion signify a country? Any of us can worship God in any way he likes, but none among us is entitled to occupy the land of others and expel its inhabitants. The question of Palestine is one of occupation, no more and no less. The question of Palestine is one question. There is no question of Jenin, no question of Al-Quds, no question of Hebron, no question of refugees, no question of water and no question of Gaza. What is all this absurdity?

They demanded everything of the Palestinians or their Authority, and the Palestinians gave them everything. They demanded that the Palestinian Authority go to Oslo. They went to Oslo. Leave the United Nations! They left the United Nations. Go to the Wye River Plantation! Go to Camp David! They went. I do not know whether there are any places starting with other letters of the alphabet where they will be asked to go to after this. They were asked to make statements in Arabic, and they did. They were asked to make statements in English, and they did. They were asked to call the fedayeen terrorists. They did. What happened after all that? They told Arafat to leave his post because he embarked upon a series of concessions. Where did that series of concessions and weaknesses lead him? They called upon him today to leave his position and to appoint as representatives stooges that implement what they want.

The entire West Bank has been occupied. It has more than 200 settlements, whether villages or towns. A settlement surrounds every Palestinian village and town, populated by immigrants coming from all over the world so that any town, if it moves, will be besieged by the settlement surrounding it. Not only is the West Bank occupied as a whole, but each town is occupied continuously and is under continuous monitoring.

There are 4.5 million Palestinians outside Palestine. They are forbidden from returning to their land. The land, filled by settlements, cannot be restored to its original owners. The people cannot return, and the land cannot be restored. What kind of peace are they talking about? And how can it be achieved? What is this absurdity that we are living through, this nonsense? What is this sarcastic comedy that we are witnessing?

My colleagues, do you know where the inhabitants of Jenin came from? As you know, Jenin is a camp. Why is it a refugee camp? Where did the inhabitants of Jenin live before? They are the original people of Palestine, which was occupied before 1948. They were expelled from their land and lived in the camp, expecting to return to their original land. Even then, they were destroyed in the new refugee camp.

Then we hear about someone buying water for $12 million, or $5 million. Freedom cannot be bought with money, not even donations or grants. Those they call terrorists are the real fedayeen. They will be immortalized by history. Omar Mukhtar, a well known hero in my country, was tried by the Italians as a

terrorist and an outlaw. An outlaw of whose law? The law of the occupying Power, of course. He was executed in my country. The likeness of Omar Mukhtar now appears on the largest denomination of our money. Mussolini and many others have died. But Omar Mukhtar continues to live, immortalized in my country. We call him the sheikh of all martyrs. Streets are named after him in cities all over the Arab world, including the main street of the Gaza Strip. Nelson Mandela used to be called a terrorist. Now he manifests the real conscious of the world. All the leaders of the countries that were occupied used to be called terrorists, guerrillas or rebels. Now they are leaders and are called "Your Excellency". They get the red carpet treatment and are accredited diplomats. It is not up to the occupying Powers and those supporting them to decide who is a terrorist.

What is occurring today in Palestine has given legitimacy in the future not just to the Palestinian but to the Arab, whose only strength is the forces of resistance. Those forces will rule the Arab homeland sooner or later.

You all should know, and Israel's supporters should know, that the only future force in the Arab region will be one of religion in response to the religious fanaticism that the Arabs are witnessing within and outside Palestine. Then we will not ask or call for the United Nations to intervene. The United Nations will then be the one calling on all those forces.

The question of Palestine can be dealt with in only one way: as a question of occupation. We would like to caution the Department of Political Affairs to return to the truth, or it will hear from us in the meetings of the General Assembly concerning all the items of the agenda permitting resolutions on what will really fix it. Our patience has its limits. And our complacency has its limits. This report should be put in the wastepaper basket. It should not be discussed here. It is not worthy of being discussed here.

Mr. Abulhasan (Kuwait) (*spoke in Arabic*): We are meeting today after the publication of the report of the Secretary-General on the atrocious events that recently took place in Jenin and in other Palestinian cities. Those atrocious events carried out by the Israeli occupying Power against an innocent people, unarmed except for their legitimate right, in accordance with all international conventions, to resist aggression and reject occupation and to restore their inalienable rights in the areas of sovereignty, life and work.

The massacre that caused the whole world to tremble required the Security Council and the Secretary-General to create a high-level fact-finding mission composed of a number of eminent former leaders and one single eminent person in the area of the defence of human rights. As everyone expected, Israel, the occupying Power accused of perpetrating such crimes, refused to allow this high-level fact-finding team to visit Jenin and to carry out its mission, whereas the Palestinian side showed full readiness to facilitate the team's work despite the siege and the destruction of Palestinian civil and military institutions. As a result of Israel's refusal, and despite international appeals, the Secretary-General had to withdraw the team — which was considered another setback to the authority of the Security Council and a challenge to its terms of reference. Indeed, many countries and humanitarian agencies felt that withdrawing the team was a concession that Israel did not deserve.

Subsequently, the General Assembly, in keeping with the resolution it had adopted, called for the Secretary-General to prepare a report without visiting Jenin and other Palestinian towns, on the basis of reports, information and anecdotal evidence provided by the countries concerned and the humanitarian organizations working in the occupied territories.

Today we are discussing this report, which contains anecdotal evidence and which attempts to determine the causes of the events — a subject on which not everyone agrees. The report also addresses the motivations behind the actions in question, motivations that some reject; the interlinkages between causes and events; and the inequity between Israel, the occupying Power, and the Palestinian people, who are the victims under occupation. In discussing the report we must keep in mind that this situation is a result of Israel's failure to cooperate in any way with the team entrusted with the task — even insofar as providing a written response, as the Secretary-General called on it to do.

The most serious aspect of the practices being carried out by the Israeli occupying Power is the fact that Israel did not stop its criminal actions or its challenge of the international community after that massacre, despite the international community's condemnation of, and horror vis-à-vis, that event.

The Israeli forces have continued their practices, acting ever more cruelly. A case in point was the barbaric attack against the Gaza City on 22 July, which killed 15 people, including nine children. More than 150 people were injured due to Israel's use of fighter aircraft equipped with guided missiles, sent to destroy a building filled with civilians in a residential area, all because Israel was targeting a suspect Palestinian.

We believe that it should be clear to any person with authority at the local, regional or international level that the Palestinian people are exercising their legitimate and sacred rights — the right to self-defence and the right to defend one's life, dignity and existence — and that its leadership is trying to translate into reality its legitimate right to establish an independent State, with Jerusalem as its capital, through dialogue and negotiation.

To this end, the Authority has signed binding agreements with the occupying Power, which that Power has completely rejected due to its expansionist and racist motivations and under the pretext of ensuring security for its illegitimate settlements and of combating terrorism.

Israel has done all of this through the cruellest forms of terrorism, supported by the authority of a State. This has destroyed any basis for stability or security. Such brutal and inhumane practices have led to feelings of hatred and vengeance, because the innocent and unarmed Palestinian people are in the grip of despair and frustration and have lost hope.

We believe that Israel has felt all along, and that it continues to feel, that it can do whatever it wants with impunity. Israel interprets the inability of the Security Council and of other bodies of the international community to condemn such policies as implicit support for Israel and as encouragement to continue such practices. Therefore, Israel feels today that it is above international and humanitarian law.

In the face of this situation and these facts, Kuwait demands that concerned international bodies carry out their responsibilities and that the Security Council shoulder its burden of maintaining peace and security in order to preserve its authority and its mandate. Kuwait calls on the Security Council to take the necessary legal steps against those who have breached international humanitarian law and those who have committed war crimes against the Palestinian people, particularly since the International Criminal Court has begun its work.

Israeli military operations, however cruel they may be and whatever the number of their victims, can never bring about security and stability for Israel, let alone the whole of the Middle East.

The Israeli leadership should stop and reflect on the consequences of its crimes and what they have naturally led to in the region: a vicious circle of events followed by reactions to those events. Such reflection can only lead it to the inevitable conclusion that the only way to bring about peace between the Arabs and Israel is a full Israeli withdrawal from all Palestinian and Arab occupied territories, on the basis of the relevant Security Council resolutions and the principle of land for peace — a peace that has been adopted by Arab States as a policy. This policy was most recently reflected in the Arab initiative adopted at the Arab Summit held in Beirut.

In order to bring this about, Israel must stop its criminal activities: extrajudicial killings, arbitrary arrests, torture, siege and its policy of starvation. Israel should withdraw immediately from all Palestinian towns and other residential areas; it should dismantle its settlements and stop building new ones.

To create confidence among the Palestinian people, Kuwait calls on the Security Council to send a disengagement and monitoring force to protect Palestinians on the ground and help the two parties implement agreements they have signed.

We in Kuwait believe that the Palestinian people are in greater need than ever before of all kinds of financial and technical support and assistance to alleviate their suffering and to help them overcome the tragic circumstances in which they find themselves. To that end, Kuwait has begun to assume its national and Arab responsibilities both bilaterally and vis-à-vis the resolutions adopted at the Arab summit. Many civil society organizations have also assumed their traditional humanitarian role.

Finally, the fact that the international community as a whole is now supporting the victim against the aggressor does not reflect bias in favour of the Palestinian people. It constitutes an attempt to bring about opportunities for peace, security and stability in the Middle East and to create an environment

conducive to enhancing trust and hope among the Palestinian people.

Mr. Akram (Pakistan): We welcome the reconvening of the tenth emergency special session to consider the report submitted by the Secretary-General in document A/ES-10/186, regarding the events in the Jenin refugee camp and in other Palestinian cities between 2 April and 21 April 2002.

As widely acknowledged, the report was issued under difficult circumstances and is at best a second-hand account of what transpired. We regret that the Secretary-General's mission was unable to visit the occupied territories due to the last minute refusal by the occupying Power. While the Secretary-General's report covers the events between 2 April and 21 April, the General Assembly's discussions and decisions on the report will also be relevant to Israel's recent raids into other parts of Palestine, including the cities of Ramallah, Tulkarm, Bethlehem, Jenin and Gaza, which have resulted in additional civilian casualties and destruction of property.

Beyond determining the nature of the events of April and fixing responsibility for them, there are also larger questions involved in this debate. Let me mention three issues. The first is the illegality of foreign occupation. Israel is in illegal occupation of the Palestinian territories. That is the root cause of the violence in the occupied territories. The United Nations Charter prohibits the acquisition of territory by the use of force. Under Security Council resolutions 242 (1967) and 338 (1973), Israel is obligated to withdraw from those occupied territories. Despite those resolutions, Israel has continued its illegal occupation and its illegal settlement-construction programmes, and has even reoccupied those parts of Palestine that had gradually been vacated under the Middle East peace process.

The Charter recognizes the right of States to legitimate self-defence under Article 51, but the Secretary-General has rightly observed that self-defence is not a blank cheque. The Charter does not accord an occupying Power the right to suppress the people under its occupation. In this case, it is the occupied people who have the legitimate right to resist foreign occupation.

The second issue is the obligation of States to implement United Nations resolutions. Each Member State is expected to respect the resolutions of the Organization. In particular, as stipulated in Article 25 of the Charter, every Member State has an obligation to implement the resolutions of the Security Council. Israel is in violation of Security Council resolutions 242 (1967) and 338 (1973) and several other Council resolutions that require Israeli withdrawal from the occupied Arab territories. It is, moreover, also in violation of Security Council resolutions prohibiting Israel from changing the demographic, physical and other characteristics of the occupied territories contrary to international law, in particular the Fourth Geneva Convention. Likewise, Israel has also refused to implement General Assembly resolution ES-10/10, seeking a first-hand investigation into the events of the Jenin refugee camp and other Palestinian cities.

The third issue is the applicability and observance of the Fourth Geneva Convention and other relevant international humanitarian law and human rights treaties. Clearly, all these provisions of international humanitarian law and human rights are applicable to the occupied West Bank and Gaza. It has been widely noted in the media that earlier allegations of the massacre in Jenin have not been confirmed. On the other hand, despite its shortcomings, the report has confirmed that serious violations of international law, including the deliberate execution of innocent civilians, torture, humiliating treatment and other crimes, took place in the course of the Israeli military occupation of the Jenin camp. These violations have been independently confirmed by first-hand reports, including by organizations such as Human Rights Watch.

The word "massacre", like "terrorism", has not been legally defined. But what took place in Jenin clearly constitutes a serious violation of international humanitarian law amounting to war crimes. These serious violations should not only be denounced, but should also be penalized. There should be no double or multiple standard in international law. The General Assembly must establish the framework for appropriate legal action not only against the perpetrators and their commanders, but also against the planners of these policies.

Beyond the immediate and specific violation of humanitarian law, the General Assembly must also address the recent measures by Israel in the occupied territories, including collective punishment, economic strangulation, the harassment of civilians and the

inhuman and discriminatory treatment of Palestinian men, women and children.

The international community has declared a war against terrorism. Pakistan is committed to success in that war. However, in the Holy Land and in some other places like Jammu and Kashmir the campaign against terrorism has been used as an attempted justification for serious violations of human rights and international humanitarian law and for the continued illegal foreign occupation of those territories. It is clear that such foreign occupation is itself the root cause of terrorism and of what is often described by colonial Powers as terrorism. A people's struggle against foreign occupation cannot be denounced as terrorism even if there are individual acts of terrorism. Conversely, such individual acts of terrorism cannot offer justification for the continuation of illegal foreign occupation, for non-implementation of Security Council resolutions or for violations of international humanitarian law and of human rights. We hope that these considerations will be appropriately reflected in the draft resolution which will be adopted at this emergency special session.

Durable peace does not flow from the barrel of a gun. Unless this Assembly, and the United Nations as a whole, can restore respect for the principles of the Charter; unless we can ensure implementation of Security Council resolutions, not by some, but by all Member States; unless we honestly identify and punish the crimes committed by States which are illegally occupying foreign lands, international order, as conceived in the United Nations Charter and based on the sovereignty of States, on equal rights and on the self-determination of peoples, this international order will break down and the world will descend into a Hobbesian condition of chaos and conflict that will afflict equally the rich and the poor, the powerful and the powerless.

The Acting President: I thank the representative of Pakistan for his brevity.

I wish to draw the attention of the Assembly to the fact that we still have 30 speakers on the list. In consideration of the time constraints, I would like to appeal to speakers to make their statements as concise as possible.

Mr. Al-Athba (Qatar) (*spoke in Arabic*): I am grateful for this opportunity to speak on this very important subject. I am very happy to see you, Sir, presiding over this extremely important meeting. We are certain that your experience and your patience will contribute to the success of our work today.

Since the signing of the Declaration of Principles on Interim Self-Government Arrangements, of 13 September 1993, and the negotiations and initiatives that followed, the position of the State of Qatar has been very clear. We support the right of the Palestinian people to have a Palestinian State, with full rights and complete sovereignty and with Jerusalem as its capital, in accordance with international law.

We are meeting here today to discuss an extremely difficult situation that has become critical. The situation in the Palestinian territories has become very serious as a result of the Israeli occupation, the blockades and curfews imposed on civilians for long periods of time and the constraints and prohibitions on the movement of international organizations, human rights observers and journalists, as well as the massacres committed against the Palestinian people in the Jenin camp, in Nablus and elsewhere in the occupied territories, in flagrant defiance of international law and custom. Israel placed President Arafat and other leaders under siege and attacked places of prayer, prompting the condemnation of most States in the international community, as well as of international humanitarian organizations, including the International Committee of the Red Cross.

On 29 March this year, as mentioned in the report submitted to us in document A/ES-10/186, Israel began a new attack in the context of what it called Operation Defensive Shield, designed to occupy several cities. In the early hours of 3 April 2002, Israeli forces occupied Jenin and the refugee camps nearby. Israel declared it a closed military zone and imposed a curfew, lifting the blockade only after the massacres had taken place — massacres denounced by the leaders of humanitarian organizations. The facts contradict the assessment contained in the Secretary-General's report, which indicated that no more than 52 Palestinians had been killed. But even if we accept that the number of Palestinians killed was no greater than 52 — half of them civilians — a massacre so barbarous must be denounced. On that basis, we cannot understand why the report avoids using the word "massacre".

Time has passed, but Sharon the hero of the Jenin massacres is very similar to the Sharon of the Sabra and Shatila massacres. The United Nations, which condemns terrorism so firmly, should also condemn the

practices of Sharon and the terrorism exercised by the Israelis against the Palestinians. The United Nations must also demand, as in the past, that the Israelis responsible for these war crimes are punished, particularly given the fact the massacres were committed when the United Nations had already concluded its negotiations on the creation of the International Criminal Court.

We note that most of the report, which we had hoped would take a neutral position on what happened, based on neutral and reliable sources, is, in fact, almost totally based on the claims of the Israeli Government, rather than on the comments of the neutral parties — the humanitarian and human rights organizations — which were similar to the claims of the Palestinian Authority. We also note that some paragraphs of the report placed the Palestinian resistance, which is armed with guns and rocks, on an equal footing with Israeli violence, which uses tanks, aircraft and other heavy weaponry.

In short, the report contains many contradictions, and in our opinion it relies too heavily on statements made by the Israeli Government and fails to take sufficiently into account what the Palestinian Authority and the international humanitarian and human rights organizations said. We therefore believe that the report is unbalanced. It ignored Palestinian rights and should have placed much greater emphasis on the need for Israel to cooperate with the Secretary-General's fact-finding mission, in accordance with Security Council resolution 1405 (2002). The team should not have been so quickly dissolved. We are certain that if that mission had been able to visit the area, the conclusions would have been very different from those in the report.

Israel has adopted an extremely rigid position in rejecting all the appeals of the international community to withdraw from the Palestinian territories. This attitude will damage the chances for peace in the region for years to come. United Nations missions have been dispatched to a number of other areas. We would like to stress that we are fully convinced that the Assembly has an extremely important part to play in maintaining international peace and security, and can thus enable the United Nations to play its role fully. The Charter must be fully respected.

We refuse to accept that Security Council resolutions, aimed at the maintenance of international peace and security, should be based on a double standard. The United Nations must be absolutely neutral as it works to maintain peace and security. The same principles must be applied in the case of all States including Israel. The Palestinian people and the Arab peoples in the occupied Golan and southern Lebanon are suffering greatly, because of the weak and incomplete resolutions that have been adopted. This is something that we must not ignore.

Mr. Buallay (Bahrain) (*spoke in Arabic*): I am very glad to have the opportunity, at this emergency special session of the General Assembly, to discuss the question of illegal Israeli actions. We in Bahrain oppose terrorism no matter what form it may take. However, that in no way means we do not also favour the right of peoples — including peoples under occupation — to self-determination. That right is set out in the United Nations Charter and in many other international documents. Committees of the General Assembly discuss the situation of peoples under occupation, including the Palestinian people. If we were to compare their situation with that of other peoples under occupation, we would see that the Palestinian people have been victimized almost daily since 1948.

The violence that took place in the Jenin refugee camp, to which many Palestinians fell victim, gave rise to great anger on the part of the international community. The Secretary-General's initiative to dispatch a fact-finding team to the camp to determine what had actually happened there was welcomed at the international level. That is a reflection of how much importance we attach to the role and the position of the Secretary-General. Moreover, as the Assembly will recall, this was not the first time a Secretary-General had decided to dispatch a fact-finding team to a specific region; several years ago, when Boutros Boutros-Ghali was Secretary-General, a similar situation developed at Qana.

Israel refused to accept the fact-finding team's composition and mandate. We do not know why Israel was afraid and why it refused to cooperate with the team. We will not go into all the details of the causes of the situation; we are concerned here with the existence of the fact-finding team and with its inability to visit the Jenin camp. We know the background: certain restrictions were placed on the team just before it was due to leave for the region, and then the Secretary-General decided that the report should be prepared without the team's findings. Because of his authority

and his important role, the Secretary-General was able to contact various leaders and representatives of organizations in order to prepare the report, which he then submitted to the General Assembly as document A/ES-10/186.

As far as the report's conclusions are concerned, we had hoped for more. Because the fact-finding team did not have full access to the facts, it could not conduct a precise, comprehensive analysis of the events. Amnesty International referred to that in a statement. Still, almost everyone in the international community congratulated the Secretary-General on his initiative, because it had stressed fact-finding and determining the Palestinian people's situation and Israel's position. That position seems to be very complex.

We all have the legitimate right to combat occupation; everyone must recognize that such a right exists. It is not possible to place on an equal footing the forces of occupation and those who are under occupation, regardless of the situation. The Palestinian people's territory has been occupied since 1948. Ever since then, the United Nations has been there to defend the Palestinian people; it is their last possible hope. We know that the Charter of the United Nations stipulates the rights of peoples. Those rights must be defended until a Palestinian State can be created and until the occupiers leave the Palestinian territory.

It is very difficult to build a State in the aftermath of the tremendous amount of destruction recently inflicted on the areas in question. In that connection, we hope that the draft resolution before the Assembly will enjoy the support of Member States.

Mrs. Ahmed (Sudan) (*spoke in Arabic*): At the outset, my delegation would like to make reference to the report of the Secretary-General (A/ES-10/186) concerning the events that took place recently in Jenin and in other Palestinian cities, submitted in accordance with resolution ES-10/10, adopted by the General Assembly in May. We should also like to express our thanks to the Palestinian Authority for its constructive cooperation in providing the information needed for the report's preparation. In addition, we should like to thank the European Union and the Governments, organizations, other institutions and journalists who assisted in providing the information contained in the report.

My delegation reiterates in the strongest terms its condemnation of Israel's arrogance, its continuing policy and its failure to cooperate with the international community in refusing to comply with Security Council resolution 1405 (2002) or to receive the fact-finding team established by the Secretary-General, which was later disbanded as a result of Israel's insolence and arrogance. Defying and humiliating the international community, Israel refused to respond to the Secretary-General's request to provide information for the preparation of his report.

Having taken note of the report of the Secretary-General, we would like to make the following comments. First, and we say this with great regret, the report was submitted late and does not contain the expected conclusions and recommendations. Secondly, the report is based on a twisted approach that is contrary to the facts witnessed on television screens by the entire world. Thirdly, the report labels the gross violations of international humanitarian law and the war crimes committed by occupying Israeli forces as merely normal and natural responses to what the report itself calls Palestinian "violence" thereby ignoring the root cause of the situation — namely, the occupation, which has been referred to by numerous resolutions of the Security Council and the General Assembly. The report thus employs an abnormal approach to the Palestinian situation, which has continued for many years as a matter of foreign occupation by Israel, the occupying Power.

Fourthly, the report depicts acts of legitimate resistance by the Palestinian people as terrorist acts. Fifthly, to our great and utter surprise, the report draws a parallel between the victims and the oppressor and places the bloody practices of the Israeli occupying Power on an equal footing with legitimate resistance by the Palestinian people to occupation which is their right. Finally, the report is unbalanced and one-sided, as it relies mainly on Israeli sources, despite Israel's refusal to cooperate in its preparation. It comes as little surprise that Israel has welcomed the report.

Events have continued to escalate on daily basis as a result of Israel's violations in occupied Palestinian cities. Since March, Israel has ignored all international calls upon it and all internationally binding resolutions. Israeli military forces continue to commit appalling crimes and atrocities against the Palestinian people, including women, children and elderly persons. The most recent Israeli crime was the 23 July aerial

bombardment by the occupying forces of a residential area of Gaza, which claimed the lives of many civilians and which violated the Fourth Geneva Convention of 1949. It is clear that Israel considers itself above the law. It pays no heed to international law. Israel deliberately humiliates the United Nations and its organs; it is undermining the prestige of the Security Council.

We are here to discuss a unique situation. We wonder whether, given the Security Council's failure to shoulder its responsibilities, the General Assembly will assume its moral responsibility and adopt firm resolutions that will end Israel's disregard for international law, or whether Israel will prove that it is truly above the law and continue to flaunt its arrogance in the absence of anyone to deter it.

We reiterate, and will never cease to reiterate, the fact that the way to Israel's security follows the path of ending occupation; withdrawing immediately and unconditionally from occupied Palestinian and Arab territories, including the Syrian Arab Golan and occupied Lebanese territories, in accordance with Security Council resolutions 242 (1967) and 338 (1973); and enabling the Palestinian people to establish an independent State with Al-Quds Al-Sharif as its capital.

We conclude by calling upon all peace-loving countries from this rostrum to firmly adopt a position that will compel Israel to heed the call of international legitimacy and that will maintain the prestige of the Organization. The international community should act immediately to guarantee international protection for the Palestinian people and to establish peace and security in the Middle East.

Mr. Gatilov (Russian Federation) (*spoke in Russian*): The Russian Federation is seriously concerned about the present situation in the Palestinian territories and Israel. The situation is spiralling out of control, people are being killed on both sides, and a humanitarian crisis is developing in the West Bank and Gaza. In just the past two days, many people have been killed or wounded in firefights and by bombings. Such illegal acts will not only increase the number of victims. They will also lead to a crisis in the Palestinian territories, and will not serve to improve the situation. This of course works against the aspirations of the nations of the region for genuine peace in the Middle East.

Israeli actions in the Palestinian territories do not serve to guarantee peace and security for Israel. They simply constitute another instance of the use of force and illegal actions. Those actions also reflect a wish for what we might call revenge for acts carried out. It is necessary to determine what measures can be taken to end the terrorist attacks. It is also necessary for the Israeli Government to make efforts towards détente. It is only in that way that we will be able to stop the spiral of violence in the region. We call upon both sides to end the bloodletting, to avoid the use of terrorist acts, to try to follow up the various initiatives that have been taken and to reject the spiral of violence based on hatred on both sides.

In that connection, it is good to note that Israel has decided to refrain from certain strikes and to ease or modify laws that hamper the movement of Palestinians. It is necessary to look into what can be done in the area of security so that Israel and Palestine can work together and, first of all, develop a dialogue. As a member of the "quartet" and one of the co-sponsors of the peace process, Russia is convinced that the Israelis and the Palestinians should do their utmost to stop the violence and bring about an atmosphere of calm in which developments towards peace can occur.

As a member of the "quartet", Russia would like to lend its full support to a resolution of the conflict between Palestine and Israel on the basis of Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002) and of the concept of two States — Israel and an independent, viable and democratic Palestine — living side by side in peace and security. We note the importance of the growing number of international efforts to advance the process of reforming Palestinian bodies of authority in the framework of preparing for statehood, on the basis, inter alia, of the Palestinians' 100-day plan.

We also wish to state that progress on reforms, security and the economic and humanitarian situations should be carried out as set out in the New York joint communiqué of the "quartet". Israel is called upon to contribute to the successful reform of Palestinian bodies and to ease the Palestinians' suffering. Israel should take urgent measures to relax the internal blockade of Palestinian areas, fully free up financial resources allotted to the Palestinian Authority, and ensure access for international and humanitarian personnel. All settlement activities should be frozen.

Russia, in coordination with other members of the "quartet" and with Arab Governments, will continue to work in the region with a view to having the neighbouring countries resume the peaceful dialogue to resolve all the existing problems.

Mr. Wehbe (Syrian Arab Republic) (*spoke in Arabic*): My delegation would like to express its appreciation to the President for his prompt response in convening the tenth emergency special session of the General Assembly to consider the report of the Secretary-General issued in accordance with Assembly resolution ES-10/10.

We believe that most delegations that have taken the floor or will take the floor will find it insufficient to mention Israel's gross violations of international law in the camp of Jenin or to dwell on their feelings about what happened last April. They will underline the ongoing Israeli actions, which are contrary to everything the international community had agreed upon, especially during the decades following the Second World War. Those actions flout international instruments developed by the United Nations.

Human Rights Watch declared that the report of the Secretary-General "was a failure because it did not examine the actions committed by the Israeli soldiers". Human Rights Watch added that they were extremely disappointed because the report does not provide any proposals based on the events that occurred in the Jenin camp. The organization stated, as did many others, that "the Israeli forces committed gross violations of international humanitarian law, some of which constitute war crimes". We, too, say that they are indeed war crimes.

Unfortunately, Israel has once again managed to skirt the provisions of international law. It has got away with its crimes. Right from the beginning, Israel has refused to comply with Security Council resolution 1405 (2002) despite the letters sent by the Secretary-General to the Security Council highlighting his proposal to send a fact-finding team to Jenin subsequent to holding consultations with the Israeli Government. The Secretary-General again referred to that in paragraph 3 of his report A/ES-10/186 of 26 July 2002.

We would like to recall that Israel not only flouted all international values and norms in justifying its rejection of the fact-finding team; it has conducted a tremendous attack on the members of the team set up by the Secretary-General, who are internationally renowned for their integrity and honesty and are considered to be authorities in international humanitarian law. When the Secretary-General responded to the Israeli Government's request to appoint additional officers specialized in military questions, Israeli paid no heed whatsoever to his proposals or to the Security Council.

Despite Israel's blows to international law and international legality, we believe that this report does not mention Israel's failure to cooperate with the Secretary-General or its refusal to comply with resolution 1405 (2002). Nor does it refer to Israel's non-compliance with the resolutions adopted at the tenth emergency special session of the General Assembly. The report simply reflects the Israeli point of view, without any justification, despite the fact that those views were not officially presented to the United Nations. Those views were merely a verbal attempt to justify Israel's killing and destruction in the West Bank and Gaza, which continue to this very moment.

The actions committed by the Israeli army in the occupied Palestinian territories have claimed the lives of more than 1,700 Palestinians so far. The Israeli military resorts to all the barbaric methods used in the two World Wars.

The destruction of homes, leaving thousands of Palestinian families homeless, and the use of sophisticated weapons — including F-16 aircraft, helicopters, missiles and tanks — continue even today. What is the justification behind the raid by 150 Israeli tanks last Friday against a town as small as Nablus, where houses were destroyed with people still inside them? Dozens of women, children, elderly people and other innocent civilians were killed. This is in clear contravention of all norms of international humanitarian law.

The Secretary-General mentioned discretely in his report the illegal killings committed by the Israeli military forces; the use of human shields; the disproportionate use of force; policies of suppression, detention and torture; and the denial of medical treatment and assistance to Palestinian civilians in Jenin and other Palestinian towns and villages.

Do these not constitute gross violations of international humanitarian law, in particular of the Fourth Geneva Convention relative to the Protection of Civilians in Time of War? The report is deliberately

silent on and fails to mention the crimes that were committed by Israel, which meet all the criteria for war crimes according to instruments of international humanitarian law. What does that mean?

The United Nations, as the depositary of instruments of international humanitarian law, is responsible for ensuring the commitment of all States to these instruments. We believe that any neglect in this respect would open the way for Israel and those who follow its approach to undermine all the efforts of humanity to set norms that cannot be ignored by any parties.

We believe that those who put the report together should have studied the reasons for, and the dimensions of, the situation in the occupied Palestinian territories, which is due mainly to the continued Israeli occupation of Arab and Palestinian territories, in flagrant violation of Security Council resolutions and of the principle of the non-admissibility of the acquisition of land by force. These resolutions are the real criteria and the genuine yardstick by which to measure a commitment to international legality.

No one has the right to draw a parallel between the victim and the oppressor — between those who occupy territories, destroy homes and spill blood, on the one hand, and those who defend their land, their dignity and their freedom, on the other. The Israeli military invaded the Jenin camp, and it was the legitimate right of the Palestinian refugees to defend their homes and the lives of their children, contrary to what is said in the report.

Israel is fully responsible for the failure of all of the efforts deployed over 11 years to reach a permanent and comprehensive solution to the conflict in the Middle East. The international community knows full well that the main reason for the conflict is Israel's declared desire to continue to occupy Arab territories and its disregard of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), the principle of land for peace, the terms of the Madrid Conference, and the peace initiative adopted by the Beirut Arab Summit, which laid the foundation for a resolution of the Arab-Israeli conflict.

Syria reiterates before this special session that the peace to which we aspire is a comprehensive peace, in keeping with resolutions of international legality, which means putting an end to the occupation and Israel's withdrawal to the lines of 4 June 1967 on all fronts, as well as recognition of the right of the Palestinian people to establish their independent State, with Jerusalem as its capital. It does not mean flouting the rights of the Palestinian people.

The whole world knows that this is a righteous position. Successive Governments in Israel, especially the present one — which aims at perpetuating the occupation and follows a policy of killing and expansion — have been responsible for the failure of all attempts to achieve peace and stability in the region. Israel has been committing such crimes since 1948. We do not believe that the massacre in Jenin and the carnage in Gaza that took place a few days ago will be the last in the series of massacres and crimes that has been committed by Israel.

However, all of these facts do not undermine our conviction that the international community will be able, in the end, to uphold the principles of righteousness, justice and peace.

Mr. Peter Bouckaert of Human Rights Watch said, "The United Nations cannot be proud of this report."

Mr. Strømmen (Norway): Norway would like to thank the Secretary-General for his efforts to gather information regarding the events in Jenin and other Palestinian cities this spring, both through his initiative that led to Security Council resolution 1405 (2002) and the establishment of a fact-finding team, and through the report pursuant to the General Assembly resolution.

The initiative of establishing a fact-finding team for Jenin was endorsed by an unanimous resolution of the Council. Norway deeply regrets the lack of willingness by Israel to cooperate with the fact-finding team. Norway understands the decision by the Secretary-General to disband the team. However, we deeply regret that this decision was made necessary. We still believe that it would have been in the interest of all parties — Palestinians, Israelis and the international community — to get information that was as accurate as possible on what happened in the refugee camp in Jenin.

The report before us is but a substitute for the report that was to be presented by the disbanded fact-finding team. Norway regrets that the Government of Israel once again chose not to cooperate with the United Nations. Nevertheless, the report gives clear indications and facts about what happened in Jenin and other Palestinian cities in the West Bank. We know

from the report and the media that Palestinian militants used Palestinian cities and villages as hideouts for the planning and execution of terrible terrorist attacks on Israel and Israelis. The report also confirms that Palestinian militants established military bases in densely populated civilian areas. Norway has repeatedly condemned Palestinian terrorist attacks. Violence, counter-violence and terrorism can never bring an end to the Israeli-Palestinian conflict. The report also confirms the responsibility of the Palestinian Authority, under international law, to protect Israeli civilians from attacks, including suicide bombings, emanating from areas under its security control.

However, the report also gives clear indication that the Israeli response to the Palestinian terrorist attacks was disproportionate. The use of heavy weaponry in densely populated areas is not acceptable. It led to a high number of casualties among civilians. It also caused unacceptable large-scale destruction of Palestinian property, as well as widespread damage to the civilian capacity of the Palestinian Authority. The report also points to Israel's denying medical and humanitarian workers access to the areas of operation and to the targeting of those personnel by the Israel Defence Forces. This is unacceptable. We are also highly critical of reported Israeli barring of the movement of international personnel, including human rights monitors and journalists.

The events in Jenin and other Palestinian cities this spring, as well as the numerous and horrible terrorist attacks on Israel and Israelis, once again illustrate what we all already know: the Israeli-Palestinian conflict cannot be resolved by weapons and war.

Norway urges the Palestinian Authority to strictly comply with international law, both in fighting terrorism and in protecting civilians. Norway urges the Palestinian Authority to do its outmost to prevent further suicide bombings. Norway is encouraged by the new Palestinian Government's serious reform efforts. Norway is ready to make its contribution to the reform process both as a member of the Independent Task Force on reforms and bilaterally. Norway urges Israel to cooperate with the Palestinian Authority and the international community to implement the reforms and to make them work. Israel should cease its policy of forcible transfer of protected persons and should refrain from collective punishment, including harsh closures and the demolition of Palestinian homes, actions which are in breach of Israel's international commitments.

In addition to focusing on security for Israelis and Palestinians alike, we must now focus on bringing the political process back on track. Daily incidents should not influence a broader strategy for bringing the parties back to the negotiating table. Norway strongly supports the efforts of the "quartet", including on how to implement the vision of a Palestinian State as outlined in President Bush's speech of 24 June.

The report of the Secretary-General is testimony of tragedy. In Jenin there were no winners, only losers. Norway urges the parties to resume the process towards achieving a just, comprehensive and lasting settlement of the Israeli-Palestinian conflict, with two States, Israel and Palestine, living side by side in peace and security, within internationally recognized borders and in accordance with relevant United Nations resolutions.

Mr. Benítez Versón (Cuba) (*spoke in Spanish*): In his letter of 2 May to the President of the Security Council (S/2002/511), the Secretary-General stressed that it would not be possible to prepare a complete report on the events in Jenin without the full cooperation of both parties and a visit to the area where those events occurred. Neither of those conditions was met. Israel flagrantly ignored Security Council resolution 1405 (2002) and rejected the fact-finding team that was ready to travel to Jenin. Moreover, Israel never responded to the Secretary-General's requests to cooperate in the preparation of the report on the events in Jenin and other Palestinian cities.

For those reasons, the report (A/ES-10/189) prepared by the Secretary-General pursuant to resolution ES-10/10, whose submission we welcome, has serious limitations. Those limitations are recognized in the report itself. However, Israel's manoeuvres to avoid the truth becoming known have been useless. The acts committed in Jenin and other Palestinian cities will be recorded as another black page in the terrible history of the illegal occupation of the Palestinian territories.

Hypocrisy and double standards continue to prevail, protected by the anachronistic and undemocratic veto privilege in the Security Council. Were it not for the 25 United States vetoes on the question of Palestine and the countless threats of veto with which that country has paralysed the Security

Council on this item, the recent history of the Middle East would be different. Without the financial aid of the United States and its provision of weapons to Israel, this war would not be occurring.

We say again that the United States must immediately stop its financial support for war purposes and its military supplies to Israel, including tanks, helicopters, missiles and aircraft used against civilians, such as the F-16 which recently bombed a residential area of Gaza, without the Security Council uttering a single word of condemnation.

The State terrorism unleashed by Israel must cease. The flagrant, massive and systematic violation of human rights, including the right to life of the Palestinian people, must stop. Repression, torture and the demolition of houses must stop. The illegal occupation of Palestinian territory must end. The attempts by the United States and Israel no longer to recognize Yasser Arafat as the legitimate President of the Palestinian Authority are unacceptable, while Ariel Sharon is retained as a valid interlocutor and enjoys the title "man of peace", as President Bush called him, to the astonishment of the world, as the Jenin atrocities were occurring.

Cuba will continue to denounce the crimes committed against the Arab peoples, particularly the Palestinian people. Innocent Israeli civilians, unfortunately, are also victims of the spiral of violence and terror caused by their Government's policy. We demand the immediate return of all Arab territories occupied by Israel and we reaffirm the inalienable right of the Palestinian people to an independent and sovereign State with East Jerusalem as its capital.

In the current circumstances, the Palestinian people cannot remain without protection. The Secretary-General's proposal to establish a multinational force in the occupied territories must be seriously considered without delay.

Cuba believes that, given the inaction and the discrediting of the Security Council, the General Assembly must act, as it is today, to assist the heroic Palestinian people and to salvage the credibility of the United Nations.

Cuba fully supports the draft resolution contained in document A/ES-10/L.10 and hopes that it will be adopted by the favourable vote of a large majority of Member States.

Ms. Løj (Denmark): I have the honour to speak on behalf of the European Union. The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia — and the associated countries Cyprus, Malta and Turkey, as well as the European Free Trade Association countries members of the European Economic Area Iceland and Liechtenstein align themselves with this statement.

We are meeting today at this resumed tenth emergency special session of the General Assembly to consider the report of the Secretary-General (A/ES-10/186) prepared pursuant to resolution ES-10/10, on the tragic events that took place in Jenin and other Palestinian cities a few months ago.

The European Union expresses its appreciation to the Secretary-General for his report. We recognize the efforts of the Secretary-General to prepare an account of the events that took place in Jenin and other Palestinian cities from early March to 7 May this year. The report is based on the sources available to him. We deeply regret the lack of Israeli cooperation in implementing Security Council resolution 1405 (2002) and in the preparation of the report.

Military and violent actions serve only to breed more hatred and undermine attempts to bring about reconciliation and a negotiated settlement of the Middle East conflict. Thus, the European Union deeply regrets the continued violence in the region — violence which continued only yesterday with several attacks, among them, an attack on an Israeli bus near Safed. The European Union reiterates its condemnation of all attacks against civilians, whether Israeli or Palestinian.

Innocent civilians have thus again been targeted by meaningless acts of violence, which come at a crucial moment when the international community is working together with the parties to stop the violence and put the peace process back on track. It is essential that these efforts continue. The enemies of peace must not be allowed to derail this process.

The dire situation in the Palestinian areas calls for immediate humanitarian efforts. International and humanitarian organizations must be allowed full, safe and unfettered access to the Palestinian areas.

The European Union notes with concern the finding of the Secretary-General's report that a

significant part of the fighting during Operation Defensive Shield took place in heavily populated civilian areas and that both sides placed civilians in harm's way. We deplore the considerable loss of civilian life that has taken place. The widespread and senseless destruction of Palestinian public and private property has grim social, economic and humanitarian consequences for the civilian population in the affected areas.

The indiscriminate targeting of civilians and destruction of civilian infrastructure cannot be justified. As noted by the Secretary-General, self-defence is not a blank cheque, and anti-terror measures do not free Israel from its obligations under international law. In that regard, we reaffirm the applicability of the Fourth Geneva Convention, of 1949, relative to the Protection of Civilian Persons in Time of War to the occupied territories, including East Jerusalem. Action taken in self-defence must be proportionate. Israel must avoid civilian casualties and must avoid damaging civilian property and infrastructure.

The European Union also stresses the responsibility of the Palestinian Authority under international law to protect civilians, including by undertaking the maximum possible efforts to stop terrorist attacks against the Israeli population and by bringing the perpetrators to justice. We note with deep concern the finding of the report that the Palestinian militants in Jenin adopted measures that constituted a breach of international law.

We note with grave concern the reports of unnecessary suffering of the civilian population due to the denial of access by medical and humanitarian personnel, particularly in the immediate aftermath of the incursion. The European Union is also deeply disturbed by the reported targeting by the Israeli Defense Forces of medical personnel. The actions against medical and humanitarian institutions are absolutely unacceptable and are contrary to United Nations conventions and international humanitarian law.

The European Union calls upon both the parties to strictly comply with international law and to exert all efforts to protect civilians when preventing and combating terror. We urge the Government of Israel not to take any actions that are inconsistent with international humanitarian law, such as the forcible transfer of protected persons, regardless of motive, and to refrain from any acts of collective punishment, such as the demolition of Palestinian homes. We similarly urge the Palestinians to take all effective steps to prevent further suicide bombings and any other actions directed against civilians.

Above all, the Secretary-General's report paints a picture of human suffering and clearly illustrates that there is no military solution to this conflict. We therefore fully share the Secretary-General's conclusions that the events described in his report, along with the ongoing cycle of violence and the continuing deterioration of the situation, demonstrate the urgent need for the parties to resume a process that would lead back to the negotiating table.

Important elements of a process towards peace in the Middle East have been set in motion. In March, at the Beirut Summit, the Arab League endorsed the initiative of Saudi Arabia. At the recent "quartet" meeting in New York on 16 July, it was decided to establish a number of working groups to assist and monitor the Palestinian reform process. In the months ahead, the "quartet" will also focus on establishing a road map on how to implement the vision of a Palestinian State within three years, as outlined in President Bush's speech on 24 June.

Thus, the European Union reiterates its readiness, in cooperation with our partners in the "quartet" and in the Arab world, to support the parties in this process towards a just, comprehensive and lasting settlement of the Middle East conflict in accordance with Security Council resolutions 242 (1967), 338 (1973) and 1397 (2002).

Mr. Aldouri (Iraq) (*spoke in Arabic*): My delegation would like to extend its profound thanks and appreciation to the President of the General Assembly for having reconvened the tenth emergency special session of the General Assembly to determine the nature of the crimes committed against the Palestinian people. At the previous resumption of the tenth emergency special session, a resolution was adopted calling on the Secretary-General to submit a report on the crimes committed by the Zionist entity in Jenin and other Palestinian cities. That report, which has now been issued as document A/ES-10/186, records a number of war crimes and crimes against humanity perpetrated by the entity in Jenin and other Palestinian towns.

On 19 April 2002, the Security Council unanimously adopted resolution 1405 (2002), by which it accepted the initiative of the Secretary-General with regard to setting up a fact-finding mission on the crimes perpetrated by the Zionist entity in Jenin and other Palestinian towns.

Pursuant to that resolution, on 22 April 2002 the Secretary-General established the team, whose members included experts in international humanitarian law who have headed distinguished humanitarian organizations known for their activities in that area. Their history shows them to be impartial and objective as well as humanitarian. But the Zionist entity set up various obstacles to prevent the team from carrying out the humanitarian duties entrusted to it, as the report of the Secretary-General points out. Because the Security Council did not cooperate with the Secretary-General to compel the Zionist entity to respect the Council's resolution, the Secretary-General was forced to disband the team, and thus it was difficult to provide the Council with information gathered from the scene of the crime.

We now ask the question: why did the Zionist entity refuse to receive the fact-finding mission if it did not fear anything? Is that not decisive proof that it committed war crimes and crimes against humanity in the Palestinian towns and tried to conceal those crimes or to prevent them from being exposed to international public opinion, preferring to carry out its arrogant policy, rejecting Security Council resolutions and flouting the will of the international community with the direct support and assistance of the United States? The fact that the Zionist entity refused to receive the fact-finding team on this level, in the light of a Council resolution, is a grave precedent that threatens the basis of the humanitarian law under which we live.

The General Assembly, in resolution ES-10/10, condemned the Zionist entity for refusing to cooperate with the Secretary-General by receiving the fact-finding team. In addition, it is well known that many international non-governmental human rights organizations have produced detailed reports on the war crimes perpetrated by the Zionist entity in Jenin and in other Palestinian towns.

Under international law, genocide means committing one of the following crimes: killing the members of a community, deliberately subjecting a community to intolerable living conditions in order to completely or partially destroy it, or inflicting severe physical harm on the members of a community. Crimes against humanity include deliberate killing, genocide, the displacement or forced transfer of a population, and imprisonment or severe restriction of any form of physical freedom in a way that violates the basic norms of international humanitarian law and international law.

The Zionist entity has deliberately committed and continues to commit such crimes, whether war crimes or crimes against humanity. Everyone knows that the Palestinian people are being subjected to a humanitarian tragedy unique in history through the methodical, systematic crimes carried out against them daily by the Zionist entity. More than 4 million Palestinians are living in a huge prison, and a similar number are living in exile.

My delegation has considered the report by the Secretary-General in conformity with paragraph 6 of the aforementioned Assembly resolution. We appreciate the Secretary-General's efforts to bring about peace and the fact that he sent a fact-finding mission to Palestine to gather documented evidence of what occurred on the ground. The report points to some of the brutal and atrocious crimes carried out by the Zionist entity against the Palestinian people.

My delegation would like to make a few observations on the report.

First, it equates the victim and the perpetrator, and it gives us the impression that it actually supports the criminal and not the victim. It fails to point clearly to the cause of the problem, which is manifested in the plundering of the entire Palestinian territory, the Palestinian people's displacement and their deprivation of basic human rights.

Secondly, because the report was prepared by United Nations offices in this building, it is the product of a bureaucracy and lacks accuracy and clarity. In the light of the fact that it lacks eyewitness accounts, it cannot provide a real picture of what occurred in Jenin and in other Palestinian towns.

Thirdly, the report did not include the television news broadcasts from the scene that reflected the brutality of the crimes committed, whether the demolition of buildings, the policy of deliberately starving the Palestinian people, the burning of bodies buried in the rubble of demolished buildings, or the

blocking of medical and humanitarian aid and ambulances from access to the scene.

Fourthly, from a legal standpoint, the report did not define the nature and the magnitude of the crimes perpetrated throughout the Palestinian territory, in particular in Jenin. Everyone knows that international humanitarian law and international law have arrived at precise definitions of war crimes and crimes against humanity.

United Nations reports should be characterized by objectivity and impartiality, because the Organization's duty is to coordinate the work of Member States, to direct them to achieve its Charter objectives and to work to safeguard respect for the norms of international humanitarian law. Regrettably, the failure to present the real picture of the war crimes, crimes against humanity and genocidal crimes by the Zionist entity in an attempt to distort legal and political facts reflects that there is not enough courage to face reality. That reality is serious, as it only encourages the racist, Nazi Zionist entity to continue its grave violations of international humanitarian law.

The crime that occurred in Gaza on the morning of 23 July 2002 is a case in point. It was planned with the direct guidance of the head of that entity's Government, and it was deliberately carried out with American weapons to cause the greatest possible number of civilian casualties. In addition, the massacres and destruction continue in the city of Nablus, since the city has been transformed into a Zionist military barracks.

The continuation of the Zionist entity's crimes highlights the fact that this is an entity above the law, that it flouts all the principles and norms of international humanitarian law, and that its crimes are deliberate and methodical and aimed at accomplishing hostile objectives. It also illustrates the fact that senior leaders have continued to plan and implement war crimes and crimes against humanity against the Palestinian people. The purpose of those crimes is the gradual destruction of the civilian life of the Palestinian people, with the goal of either subjugating it completely or fully displacing it from what is left of its land so as to continue the entity's well known expansionist dreams.

In the face of the policy of the Zionist entity's continued strategy of killing, destruction, siege, arrest and the ongoing occupation of Arab land, and in the face of the level of despair and frustration in which the Palestinian people are living as a result of all these acts, each of us is entitled to ask: what options are left to the unarmed Palestinian people? The answer is that Palestinian acts of resistance to combat the usurper and to establish a Palestinian State are legitimate acts that have the support of international law and the relevant resolutions of the General Assembly. The entity's actions are aggressive acts incompatible with the most basic principles of international law and with the Charter of the United Nations.

Finally, the General Assembly is called upon to undertake its responsibilities in the maintenance of international peace and security in accordance with the principles of the Charter, given the clear failure of the Security Council to assume the duties entrusted to it by the Charter to find a just solution to this issue. We call upon the entire international community to show its solidarity and to face up to the Zionist invasion aimed at destroying everything built by human civilization. This entity is not concerned with the interests of humanity. It is by its very nature a racist and egocentric regime that lives off of what it kills, off of warfare and instability. It is in that way that it is able to implement its plans and distort legal, political and historical reality.

Mr. Nambiar (India): At the outset, I wish to express the satisfaction of my delegation that this emergency special session of the General Assembly is being convened at the present juncture to consider the report of the Secretary-General on illegal Israeli actions in occupied East Jerusalem and the rest of the occupied Palestinian territory pursuant to General Assembly resolution ES-10/10.

We associate ourselves with the statement to be made this afternoon by South Africa on behalf of the Non-Aligned Movement. India has been in the forefront of the efforts of the Non-Aligned Movement to express solidarity and support for the Palestinian cause. India was represented in the delegation of six ministers of the Movement's committee on Palestine that visited Ramallah on 2 June. Given our deep concern at the recent developments, and despite the late hour this afternoon, we wish to take advantage of this opportunity to convey to the General Assembly some of our own views on the issue.

We have taken due note of the report that the Secretary-General and his staff have prepared with

much care and deliberation on the events in Jenin and other Palestinian cities in the wake of Operation Defensive Shield, launched by the Israeli Defence Forces (IDF). Ideally, a fact-finding report such as this should have been prepared with the cooperation of all parties. That the report had to be prepared without such involvement forthcoming from the Government of Israel is a matter of regret. Consequently, it could not have been expected to provide primary source material for an accurate, thorough, balanced and credible assessment of the events. Notwithstanding this, the report does fulfil the important task of providing the General Assembly with an indispensable, detailed account of the events, along with a comprehensive analysis of the security, humanitarian and human rights responsibilities of concerned parties.

The report makes it clear that Israeli military incursions into Jenin and other cities in the occupied Palestinian territories resulted in a heavy toll of life and property. It takes note of the fact that the IDF, in many instances, resorted to a disproportionate use of force and of heavy weaponry in Palestinian civilian areas, that humanitarian workers were denied access to people in need of assistance and that, in some cases, scant respect was paid to the neutrality of medical and humanitarian workers, resulting in attacks even on ambulances.

The report records in some detail the severe hardships suffered by the Palestinian civilian population as a result of IDF actions. It also reports that the widespread and indiscriminate destruction of the Palestinian Authority civilian infrastructure was estimated by the World Bank to be approximately $361 million. The destruction of private property in Jenin alone is estimated at $27 million. Yet, in paragraph 53 of the report, the Secretary-General is strangely reticent in his comment that "clarity and certainty remain elusive" on the policy and facts of the IDF response. Such economy and ellipsis sometimes strain the report's credibility. Notwithstanding this, the details brought out in the report lead inescapably to the conclusion that much of the loss of life and property could have been avoided if protecting the civilian population had figured as a significant priority to the IDF.

The devastating effect that the Israeli military incursions have had on the civilian populations in the affected areas has continued unabated since March 2002. The economy of the Palestinian Authority has been virtually shut down as a result of normal business activity being impeded and ordinary Palestinians being prevented from going out to their daily workplaces. The Secretary-General had cautioned us even earlier of the economic situation in the occupied territories, and he underlined the real danger of its deteriorating into a humanitarian crisis. We strongly reiterate Israel's unshirkable obligation to take all necessary steps to lift the closures and blockades and to ease the economic hardships of Palestinians living in the occupied territories.

At the same time, the Secretary-General's report has drawn attention to attacks by Palestinian armed groups against Israeli civilians and the resulting heavy loss of life. We wish to reiterate our call for an end to violence, whether military actions or acts of terror against innocent and unarmed civilians. We believe that all acts of violence and terrorism have to be abjured in absolute terms. India believes that there can be no justification for terrorism on any ground: political, ideological, religious or any other.

The continuing deterioration of the situation and the ongoing cycle of violence demonstrate the urgent need for both parties to immediately resume a process that will lead them back to the negotiating table. We believe that while reform of Palestinian institutions is important, it cannot be allowed to become a precondition to resuming the peace process. Never before has there been as strong a desire on the part of all Arab countries to normalize relations with Israel. The widespread support of the international community for a solution in which the two States, Israel and Palestine, live side by side within secure and recognized boundaries, as called for by Security Council resolution 1397 (2002), should be built upon.

We support the efforts of the "quartet" and the initiative of Saudi Arabia endorsed by the Arab League Summit in Beirut aimed at ending the current situation and finding a peaceful and durable solution to the Israeli-Palestinian conflict as a key element in the search for a just, lasting and comprehensive settlement based on Security Council resolutions 242 (1967) and 338 (1973). The Government of India believes that the current Palestinian Authority, headed by President Arafat, remains a credible negotiator and partner in implementing the understandings reached.

From the outbreak of the crisis in September 2000 until 7 May 2002, some 441 Israelis and 1,539

Palestinians have lost their lives. Countless others have been injured or have suffered from the emotional and physical scars of a violent confrontation. The loss of life, the destruction of homes, the undermining of means of livelihood and the daily humiliations and trauma have not only been tragic; they have been unconscionable. It is our hope that the report of the Secretary-General and the censure of the international community will serve to dissuade Israel from undertaking actions in the future that disregard basic humanitarian and human values.

The Government of India, along with the Governments of other nations members of the Assembly, have consistently counselled all parties concerned to eschew violence and to seek the path of dialogue in order to achieve a peaceful settlement of this conflict. Such a step is necessary not only to bring an end to this bloodstained chapter in the history of the region but also to ensure a future of prosperity and promise for its peoples, who have experienced such tragic vicissitudes for so long.

The meeting rose at 1.25 p.m.